

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA, §  
§  
Plaintiff, §  
§  
v. § CRIMINAL NO. H 02-0655  
§  
ELVIS KELLEY, §  
§  
Defendant. §

**ORDER**

The Office of the Federal Public Defender for the Southern District of Texas is appointed to represent Elvis Kelley to determine whether he may qualify for a reduction of sentence under the revised base offense levels for crack cocaine. U.S.S.G. § 2D1.1. The defendant is financially eligible for appointed counsel under the provisions of the Criminal Justice Act, Title 18, U.S.C. 3006A(a)(1) and (c).

The Public Defender must contact any Criminal Justice Act panel attorney who was previously appointed to represent this defendant. The CJA attorney may resume the appointment to represent the defendant in connection with a possible sentence reduction under § 2D1.1. If such attorney notifies the court, the Federal Public Defender, and the United States Attorney's Office that he or she will continue representing this defendant, the Federal Public Defender will be relieved of representing this defendant. If the Office of the Federal Public Defender determines that it has a conflict in representing this defendant,

Magistrate Judge Mary Milloy will appoint a member of the Criminal Justice Act panel to do so.

The Federal Public Defender's Office or the CJA panel attorney now representing this defendant, and the United States Attorney's Office, will be permitted access to and a copy of the presentence report. If the Federal Public Defender determines that it cannot continue with the representation of any defendant after reviewing the presentence report, the Federal Public Defender will not, without prior court authorization, disclose the presentence report, or any information learned by reviewing it.

SIGNED on February 21, 2008, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge